

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re application of James M. Mathewson II, et al.

Serial Nbr: 09/909,537

Filed: July 20, 2001

For: Time-Sensitive Messages and Events

Art Unit: 2153

Examiner: Philip J. Chea

DECLARATION OF FACT UNDER 37 C.F.R. §1.131

We, James M. Mathewson, II and Keith A. Rafferty, hereby declare the following:

1) We are co-inventors of the invention described and claimed in U. S. Patent Application Number 09/909,537 (hereinafter, "the Subject Application"), entitled "Time-Sensitive Messages and Events", filed on July 20, 2001.

2) We conceived of the invention -- as described and claimed in Claims 1 - 5, 7, 9 - 12, 14 - 20, 22 - 24, and 26 of the Subject Application (hereinafter, "the claimed invention") -- in this country before May 23, 2001. Our prior conception to practice is evidenced by the following:

a) Attached hereto as Exhibit A are selected pages of an Invention Disclosure document prepared prior to May 23, 2001. These pages describe the claimed invention, which

comprises (in a first aspect) a method, system, and computer program product for handling time-sensitive messages by marking a message, by a creator thereof, as time-sensitive; sending the marked message from a computing device of the creator to a computing device of a recipient for whom the message was created, such that after the marked message is received at the computing device of the recipient, it will automatically be rendered to the recipient, and the recipient will be forced to respond thereto, within a time period of the time-sensitivity; and automatically receiving a reply from the recipient, sent from the computing device of the recipient to the computing device of the creator following the recipient's response thereto within the time period of the time-sensitivity and which comprises (in a second aspect) a method, system, and computer program product for improving electronic communications by receiving a plurality of electronic messages at a computing device of a recipient to whom the electronic messages are addressed; and evaluating the received electronic messages for processing by the computing device, where this evaluation further comprises: determining whether a selected one of the received electronic messages is time-sensitive; and requiring the selected one to be rendered to the recipient, and forcing the recipient to respond thereto, within a time period of the time-sensitivity if the determining step has a positive result and the time period of the time-sensitivity has been reached but not exceeded. (Portions of the Invention Disclosure may be redacted to remove information not necessary to establish the invention's conception or reduction to practice.)

3) The invention was diligently reduced to constructive practice in this country from prior to May 23, 2001 to the filing of the Subject Application on July 20, 2001, as evidenced by the following facts:

a) The Invention Disclosure document was forwarded to a registered patent attorney on May 15, 2001 (notably, prior to May 23, 2001), with a target filing date of July 15, 2001, for the purpose of preparing and filing a utility patent application, which led to the July 20, 2001 filing of the Subject Application.

b) An initial discussion of the invention with the registered patent attorney was scheduled and held on June 13, 2001.

c) A first draft was distributed to us by the registered patent attorney on June 23, 2001.

d) Following review of the first draft, our comments were sent to the registered patent attorney on June 25, 2001 and June 28, 2001, respectively.

e) A second draft was distributed to us by the registered patent attorney on June 28, 2001.

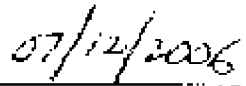
f) Following review of the second draft, our comments were sent to the registered patent attorney on July 5, 2001 and July 16, 2001, respectively. (Comments from Keith A. Rafferty were excusably delayed, as he was out of the office starting June 30, 2001, returning July 16, 2001, to be at home with his wife and newly-born baby.)

g) Following transmission of a final draft by the registered patent attorney to IBM Corporation on July 16, 2001, we executed an Oath/Declaration therefor on July 18, 2001, after which the Subject Application was filed by IBM Corporation on July 20, 2001.

4) We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; that these statements are

made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under 18 U. S. C. §1001; and that such willful statements may jeopardize the validity of the application or any patent issued thereon


James M. Mathewson, II


Date

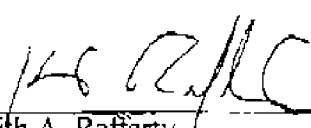
Keith A. Rafferty

Date

made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U. S. C. §1001; and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

James M. Mathewson, II

Date



Keith A. Rafferty

7-12-2006
Date